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Report of the Committee on Relations with the Host Country

Report of the Sixth Committee

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I. Introduction

1. The item entitled "Report of the Committee on Relations with the Host Country" was included in the provisional agenda of the seventy-third session of the General Assembly pursuant to Assembly resolution 72/124 of 7 December 2017.

2. At its 3rd plenary meeting, on 21 September 2018, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 32nd and 35th meetings, on 2 and 13 November 2018. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records.[1]

4. For its consideration of the item, the Committee had before it the report of the Committee on Relations with the Host Country (A/73/26).

5. At the 32nd meeting, on 2 November, the Chair of the Committee on Relations with the Host Country introduced the report of that Committee.

II. Consideration of draft resolution A/C.6/73/L.18

6. At the 35th meeting, on 13 November, the representative of Cyprus, on behalf of Bulgaria, Canada, Costa Rica, Côte d'Ivoire and Cyprus, introduced a draft resolution entitled "Report of the Committee on Relations with the Host Country" (A/C.6/73/L.18).

7. At the same meeting, the Committee adopted draft resolution A/C.6/73/L.18 without a vote (see para. 9).

8. After the adoption of the draft resolution, the representatives of the Russian Federation and the Syrian Arab Republic made statements in explanation of position. The representative of the United States of America made a statement.

[1] A/C.6/73/SR.32 and A/C.6/73/SR.35.

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III. Recommendation of the Sixth Committee

9. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Report of the Committee on Relations with the Host Country

The General Assembly,

Having considered the report of the Committee on Relations with the Host Country,[1]

Recalling Article 105 of the Charter of the United Nations, the Convention on the Privileges and Immunities of the United Nations,[2] the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations[3] and the responsibilities of the host country,

Recalling also that, in accordance with paragraph 7 of General Assembly resolution 2819 (XXVI) of 15 December 1971, the Committee should consider, and advise the host country on, issues arising in connection with the implementation of the Headquarters Agreement,

Recognizing that effective measures should continue to be taken by the competent authorities of the host country, in particular to prevent any acts violating the security of missions and the safety of their personnel,

1. *Endorses* the recommendations and conclusions of the Committee on Relations with the Host Country contained in paragraph 111 of its report;[1]

2. *Considers* that the maintenance of appropriate conditions for the normal work of the delegations and the missions accredited to the United Nations and the observance of their privileges and immunities, which cannot be subject to any restrictions arising from the bilateral relations of the host country, are in the interest of the United Nations and all Member States, takes seriously the recent concerns raised by permanent missions regarding the normal performance of their functions, requests the host country to continue to solve, through negotiations, problems that might arise and to take all measures necessary to prevent any interference with the functioning of missions, and urges the host country to continue to take appropriate action, such as the training of police, security, customs and border control officers, with a view to maintaining respect for diplomatic privileges and immunities and, if violations occur, to ensure that such cases are properly investigated and remedied, in accordance with applicable law;

3. *Recalls* the privileges and immunities applicable to the premises of the permanent missions to the United Nations enjoyed under international law, in particular the instruments listed in paragraph 111 (a) of the report of the Committee on Relations with the Host Country, and the obligations of the host country to observe such privileges and immunities, takes note of the alleged ongoing violations thereof by the host country and of the concerns expressed thereon, urges the host country to remove without delay any restrictions applied to the premises of a Permanent Mission inconsistent with those privileges and immunities, and in that regard to ensure respect for such privileges and immunities, takes seriously the lack of resolution of these matters and the concerns expressed about such lack of resolution, remains seized of

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[1] *Official Records of the General Assembly, Seventy-third Session, Supplement No. 26* (A/73/26).

[2] Resolution 22 A (I).

[3] See resolution 169 (II).

these matters, and anticipates that they shall be duly addressed in a spirit of cooperation and in accordance with international law;

4. *Also recalls* that, prior to the institution by the host country of any proceedings that require any person referred to in article IV, section 11, of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations,[1] including representatives of a Member State, to leave the host country, article IV, section 13 (b) (1) of the Headquarters Agreement, inter alia, requires the host country to consult with the Member State, the Secretary-General or other principal executive officer, as appropriate, and considers that, given the seriousness of any such measure being exercised by the host country, the consultation should be meaningful;

5. *Notes* the problems experienced by some permanent missions to the United Nations in connection with the implementation of the Parking Programme for Diplomatic Vehicles,[4] and notes that the Committee shall remain seized of the matter with a view to continuing to maintain the proper implementation of the Parking Programme in a manner that is fair, non-discriminatory, effective and therefore consistent with international law;

6. *Requests again* the host country to consider removing the remaining travel restrictions imposed by it on staff of certain missions and staff members of the Secretariat of certain nationalities, and in this regard takes seriously recent concerns and notes the long-standing positions of affected States, of the Secretary-General and of the host country;

7. *Recalls* article IV of the Headquarters Agreement, and notes the concerns expressed by some delegations concerning the denial and delay of entry visas to representatives of Member States;

8. *Notes* that the Committee anticipates that the host country will continue to enhance its efforts to ensure the issuance of entry visas to representatives of Member States and members of the Secretariat pursuant to article IV, section 11, of the Headquarters Agreement and, in a timely manner, to enable persons assigned as members of permanent missions or recruited to serve in the Secretariat to take up their assignments as promptly as possible and to enable representatives of Member States to travel to New York on United Nations business, and that the Committee anticipates that the host country will continue to enhance efforts, including visa issuance, to facilitate the participation of representatives of Member States in other United Nations meetings, as appropriate;

9. *Also notes* that a number of delegations have requested shortening the time frame applied by the host country for issuance of entry visas to representatives of Member States since the time frame poses difficulties for the full-fledged participation of Member States in United Nations meetings, and invites the host country to inform the Committee, as appropriate, of efforts to address such difficulties;

10. *Notes with concern* the difficulties experienced by some permanent missions to the United Nations in obtaining suitable banking services, and welcomes the continued efforts of the host country to facilitate the opening of bank accounts for those permanent missions;

11. *Stresses* the need for the permanent missions and the United Nations to benefit from appropriate banking services, and anticipates that the host country will continue to assist the permanent missions accredited to the United Nations and their staff in obtaining such services;

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[4] A/AC.154/355, annex.

12. *Expresses its appreciation* for the efforts made by the host country, and expects that the issues raised at the meetings of the Committee will be resolved in a spirit of cooperation and in accordance with international law, including the Headquarters Agreement;

13. *Affirms* the importance of the Committee being in a position to fulfil its mandate and meet on short notice to deal with urgent and important matters concerning the relations between the United Nations and the host country, and in that connection requests the Secretariat and the Committee on Conferences to accord priority to requests from the Committee on Relations with the Host Country for conference-servicing facilities for meetings of that Committee that must be held while the General Assembly and its Main Committees are meeting, without prejudice to the requirements of those bodies and on an "as available" basis;

14. *Requests* the Secretary-General to remain actively engaged in all aspects of the relations of the United Nations with the host country and to actively engage in the work of the Committee with a view to ensuring the representation of the interests concerned, in accordance with General Assembly resolution 2819 (XXVI), and recalls that the Secretary-General may bring to the attention of the Committee issues of mutual concern relating to the implementation of the Headquarters Agreement and the Convention on the Privileges and Immunities of the United Nations;[2]

15. *Requests* the Committee to continue its work in conformity with General Assembly resolution 2819 (XXVI) and, in this framework, to continue to consider additional appropriate measures to enhance the work of the Committee and its effectiveness;

16. *Decides* to include in the provisional agenda of its seventy-fourth session the item entitled "Report of the Committee on Relations with the Host Country".